

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES BIRD,  
Plaintiff,  
v.  
KEEFE KAPLAN MARITIME, INC., et al.,  
Defendants.

Case No. [14-cv-03277-MEJ](#)

**ORDER FOR CLERK OF COURT TO  
REASSIGN CASE**

In this case for breach of contract, negligence, and breach of warranty, Plaintiff James Bird alleges his marine vessel sustained damage as a result of improper services performed by Defendants Keefe Kaplan Maritime, Inc. ("KKMI") and Eric Koster dba J&H Marine. KKMI has also filed a Third-Party Complaint against Christopher Oschek, whom Bird hired to captain the vessel. KKMI now moves for summary judgment as to Bird's claims against it, arguing in part that Oschek is at least partially at fault for any alleged damage. However, the Clerk of Court entered default against Mr. Oschek on November 5, 2015. The Clerk also entered default as to Mr. Koster on February 18, 2015. Neither Mr. Oschek nor Mr. Koster has consented to the jurisdiction of a magistrate judge. Thus, in accordance with 28 U.S.C. § 636(c), the undersigned magistrate judge may not rule on KKMI's Motion without the consent of all parties. Accordingly, the Clerk of Court shall now randomly reassign this case to a United States District Judge.

**IT IS SO ORDERED.**

Dated: May 5, 2016

  
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MARIA-ELENA JAMES  
United States Magistrate Judge